

STATE OF NEVADA

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BRENT C. ECKERSLEY, ESQ., Vice-Chairman
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Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

April 13, 2015

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A meeting of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, April 7, 2015, and continuing on Wednesday, April 8, 2015, at the hour of 8:00 a.m., and continuing on Thursday, April 9, 2015 at 8:00 a.m.. at the offices of the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104.

The following Board members were present:

Philip E. Larson, Chairman
Brent C. Eckersley, Esq., Vice-Chairman
Sandra Masters, Board Member

Also present:

Bruce K. Snyder, Commissioner
Scott Davis, Esq., Deputy Attorney General
Marisu Romualdez Abellar, Board Secretary

Members of the Public Present:¹

None

PRELIMINARY MATTERS

1. Call to Order

The Board meeting was called to order by Philip E. Larson, Chairman, on Tuesday, April 7, 2015, at 8:00 a.m.

2. Public Comment

No public comment was offered.

¹ Apart from those attending the hearing (item 4).

3. Approval of the Minutes

The Board approved the minutes as presented for the Board meeting held March 10-11, 2015 and the special Board meeting held March 12, 2015.

CASES

HEARING CALENDAR

4. Consolidated Case A1-046116

David O'Leary v. Las Vegas Metropolitan Police Department

The hearing on the case was held by the Board. At the close of the hearing the Board deliberated on the case but came to no resolution. The Board will continue deliberating on the case at its May meeting.

MOTIONS CALENDAR

5. Case No. A1-046115

Daniel Woychiehowsky v. City of Sparks and Sparks Police Department

Upon motion, the Board denied Respondent's Motion for Attorneys' Fees, noting that the Board had dismissed the case based upon the limited deferral doctrine and had not actually conducted a hearing on the merits.

6. Case No. A1-046133

Service Employees International Union, Local 1107 v. The Southern Nevada Regional Housing Authority

The Board tabled Respondent's Motion to Amend Counterclaim until its May meeting as not all the documents related to the motion had yet been received.

7. Case No. 2015-001

Bramby Tollen v. Clark County Association of School Administrators and Professional-Technical Employees

Upon motion, the Board granted Complainant's Motion for Leave to File Pre-Hearing Statement and Response to Respondent's Motion to Dismiss, extending the deadline to March 16, 2015, noting that no opposition had been filed by the Respondent. The Commissioner noted that the mentioned documents had already been received.

8. Case No. 2015-001

Bramby Tollen v. Clark County Association of School Administrators and Professional-Technical Employees

Upon motion, the Board denied Respondent's Motion to Dismiss or in the Alternative Motion for Summary Judgment.

CALENDAR FOR MISCELLANEOUS MATTERS RELATED TO CASES

9. Case A1-046092

Washoe County School Police Officers' Association v. Washoe County School District

The Board reviewed the status reports and agreed to allow the parties additional time to complete the tentative settlement of the case. The Commissioner will monitor the case as needed.

10. Cases in the Queue for Future Hearing or Settlement Conference

The Board tabled until a future meeting consideration of any of the cases currently in the queue.

GENERAL AGENCY MATTERS

11. Schedule of Future Board Meetings

The Board reviewed the proposed schedule and made changes to the following for 2015:

<u>Dates</u>	<u>Location</u>	<u>Hearings on Cases</u>
May 4, 5, & 6, 2015	Elko	A1-046068
June 9, 10 & 11, 2015	Las Vegas	A1-046123 & A1-046113
July 14, 15 & 16, 2015	Las Vegas	A1-046130
August 11, 12, & 13, 2015	Las Vegas	A1-046133
September 15, 16, & 17, 2015	Unknown	To be determined
October 12, 13, & 14, 2015	Unknown	To be determined
Nov. 17, 18, & 19, 2015	Las Vegas	To be determined
Dec. 8, 9, & 10, 2015	Las Vegas	To be determined

12. Report of the Deputy Attorney General

Deputy Attorney General Davis reported that four developments have occurred since last month's Board meeting. First, oral argument in the Clark County Deputy Marshals case has been set for May 8th. Secondly, oral argument in the Jenkins case has been set for May 5th before the en banc Nevada Supreme Court. This date may be moved back slightly as it coincides with the May Board meeting. Thirdly, a new petition for judicial review has been filed by Daniel Woychiehowsky and we are in the process of compiling the administrative record in that case. Finally, ESEA filed a petition for judicial review over the upcoming runoff election and has also filed a motion to stay. In response, the EMRB has filed a motion to dismiss. Oral argument has been set for April 21st.

13. Reports by the Commissioner

A. Report on Cases Currently Outstanding.

Commissioner Snyder distributed the log of open cases and briefly discussed the contents of the log.

B. Report on Possible Amendments to the Agency's Election Regulations.

Deputy Attorney General Davis gave a report on his research as to what standard other states use to determine the winner of a representation election. The most prominent model is the Oregon model, which uses a majority of the votes cast standard. He then reported that another model is the Washington model. That state uses a majority of the eligible voters standard for the first election and a majority of the votes cast standard for any runoff elections. After discussion it was the consensus of the Board to have the Commissioner hold a workshop and propose language to amend NAC 288.110, using the Oregon model.

Commissioner Snyder also discussed the issue of who should pay for the elections. He mentioned five alternatives: (1) winner pays; (2) loser pays; (3) each pay one-half; (4) petitioner pays; and (5) agency pays. The Board directed the Commissioner to discuss all the alternatives at the workshop.

C. Briefing on Pending Legislation Affecting NRS 288.

Commissioner Snyder gave a presentation on the 13 bills currently active that amend NRS 288. He also stated that Friday, April 10th was the deadline for bills to make it out of committee or else they will be dead. He further stated that it appears that 8 or 9 bills will likely make it out of committee.

14. Items for Future Agendas

No items were specifically requested by any of the Board members for inclusion on a future agenda.

CLOSING MATTERS

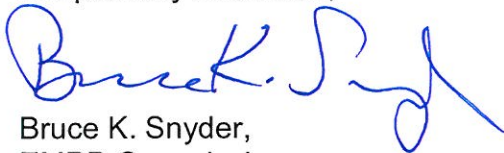
15. Comments by Board Members

No comments were made by any Board members.

16. Additional Period of Public Comment

No public comment was offered.

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner